

**THE IMPACT OF THE LAW AND THE POLICY ON CHILD LABOUR IN KIBERA  
AREA, KENYA.**

**BY**

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**REGISTRATION NO: LLB/20020/82/DF.**

**A DISSERTATION SUBMITTED TO THE FACULTY OF LAW AS A PARTIAL  
FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF THE  
DEGREE OF BACHELOR OF LAWS OF KAMPALA  
INTERNATIONAL UNIVERSITY.**

**APRIL 2013**

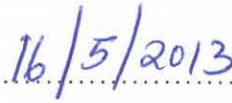
### CERTIFICATION

The undersigned certifies that, I have read and hereby recommend for acceptance by Kampala International University a dissertation titled, "The impact of the law and the policy on child labour in Kibera Area, Kenya", in partial fulfillment of the requirement for the Degree of Bachelors of laws.

SIGNED



MS. EMMA SSALI



DATE

## DECLARATION

I, Gichia Joyce Wanjiku, hereby declare that the work presented in this dissertation is my own and that it has never been submitted in any University whatsoever for the award of a Bachelors degree.

SIGNED

.....

GICHIA JOYCE WANJIKU

.....16/5/2013.....

DATE

## **DEDICATION**

I would like to dedicate this dissertation to my dear parents Mr. & Mrs. NJUNGO, my brother and sisters and my beloved friend Mr. JERRY ODERO who have contributed towards the completion of this research.

I also dedicate this research to all parents and child laborers all over the Country.

## **ACKNOWLEDGMENT**

This dissertation on child labour in Kenya has greatly been developed due to the inspiration, encouragement, financial support and prayers of my dear parents Mr. & Mrs. Njuno and my sisters and brother to whom am so grateful.

I would like to thank Ms. Emma Ssali who was my supervisor and the great part she played towards my research which was very helpful in guiding me towards it success.

## **LIST OF STATUS**

1. The Constitution of the Republic of Kenya 2010.
2. The Children's Act 2001.
3. The Employment Act 2007.
4. The Sexual Offences Act 2006.
5. The factories Act 1951.
6. The penal code act cap 21.

## **LIST OF CONVENTIONS**

1. ILO Convention NO.138 Minimum Age of Admission to Employment (1973).
2. United Nations Convention on the Rights of the Child 1989.
3. ILO Convention NO. 182 Worst forms of Child Labour.
4. Universal Declaration on Human Rights of 1948.
5. African Charter on the Rights of the Child 1987.
6. African Charter on the Human and Peoples Rights 1982.

## ACRONYMS

<b>AIDS.</b>	Acquired Immune Deficiency Syndrome
<b>CBS.</b>	Central Bureau of Statistics
<b>COTU.</b>	Central Organisation of Trade Union
<b>CSEC.</b>	Commercial Based Organisation
<b>FIDA.</b>	Federation of Women Lawyers
<b>HIV.</b>	Human Immune-deficiency Virus
<b>ICTU.</b>	International Conference of Trade Unions
<b>IDP's.</b>	Internally Displaced Persons
<b>ILO.</b>	International Labour Organisation
<b>IPEC.</b>	International Programme on the Elimination of Child Labour
<b>NGO's.</b>	Non-Governmental Organisations
<b>PRSP.</b>	Poverty Reduction Strategy Paper
<b>STD's.</b>	Sexually Transmitted Diseases
<b>UNICEF.</b>	United Nations Children Emergency Fund
<b>USD.</b>	United States Dollar
<b>USDOL.</b>	United States Department of Labour

## ABSTRACT

This research was undertaken to examine the impact of the law and the policy on child labour with the ultimate aim of designing solutions to the child labour phenomenon. This research was conducted in Kibera area, Kenya.

This research was aimed at creating awareness of the existence of child labour to the government, parents and the entire country.

It was also meant to caution policy makers and legislators for them to come up with the appropriate mechanisms and strategies for purpose of combating child labour menace in Kenya.

This research unveiled that: children are engaged in child trafficking especially from the rural areas to the urban centre's to work as domestic servants , they work in plantations, prostitution. others are street children, early marriages, all of which endangers their growth and development. Child labour has various negative effects on children such as: early pregnancies, early deaths, defilement and even drug abuse due to the frustrations in life.

This research has discovered that, child labour have been contributed by poverty, abandonment of children by parents, HIV/Aids pandemic among other factors.

The research focused on the different statutory instruments which provides for the protection of children specifying their rights and wellbeing. These instruments are ineffective due to the various loopholes.

The research has identified various strategies which can be implemented in order to combat child labour menace to include: poverty eradication, education, and creating awareness to the community at large among others.



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## CHAPTERISATION

Chapter one will consist of the introduction, the background of the study, statement of the problem, the general objectives of the study, the specific objectives of the study, hypothesis, scope of the study, significance of the study, research question, methodology, methods of data collection and the definition of the terms.

Chapter two will consist of the literature review to demonstrate what is already known about child labour.

Chapter three will be based on the introduction, the background, characteristics of child labour, incidences, forms, causes and impact of child labour. It will further focus on the law and its enforcement against child labour.

Chapter four will examine the different initiatives and mechanisms, including national and international instruments, programs and policies that have been put in place to combat child labour in Kenya.

Chapter five will concentrate on the conclusion and recommendations about the study on child labour in Kenya.

## CHAPTER ONE

### 1.0 INTRODUCTION

This research analysis the impact of the law and the policy on child labour in Kibera area, Kenya. This chapter will present the background of the study, statement of the problem, the general objective of the study, the specific objectives of the study, research question, hypothesis and justification for the study.

Child labour is an alarming problem that is detrimental to and an impediment to child growth and wellbeing. The child labour phenomenon is widespread in Kenya and the world at large and it has been characterized by orphan hood, poverty, scarcity of food and poor parental care. In Kenya, some of the worst forms of child labor include: heavy domestic work, commercial sex, sex slavery and sporadic economic exploitation. Throughout the world, social and legal traditions have tolerated and or promoted the physical assault of children by their parents or close relatives. Cultures around the world have different standards in deciding what constitutes child labour. In Sweden for example, the law prohibits any physical punishment of children including spanking. Contrary, in some countries of Asia, Africa and Caribbean, parents physically abuse their children in the name of instituting discipline in them.

According to the **Kenya National report on children Abuse and Neglect in 1997**, it is estimated that; children abused in the world are thirteen million, and in the African continent they are six million. In the East Africa, there are one million two hundred thousand and in Kenya in particular there are four hundred thousand children abused. Among these substantial cases on child abuse, 56% involves physical abuse, 13% sexual abuse, 6% emotional abuse and 13% of the children involved are affected by other factors.

Forthwith the rational of the study is to examine the law and the policy relating to child labour and how effective the law and the policy can be grounded to combat the menace of child labor that is very prevalent in Kibera, Nairobi County.

## 1.1 Background

**Article 45 (2) of the Constitution**<sup>1</sup> defines a child as a person under the age of eighteen years. **Article 53 (1) (d) of the Constitution**<sup>2</sup> further provides that every child has a right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment or punishment, and hazardous or exploitative labor. Further, **Section 10 (1) of the Children's Act**<sup>3</sup> provides *inter alia* that, every child shall be protected from economic exploitation and any work likely to be hazardous or interfere with the child's education, or harmful to the child's health or physical, moral, spiritual or social development.

In Kenya, children primarily work in the informal sector. They work often with their families, in subsistence and commercial agriculture, on tea, coffee, rice, and sugar plantations. Children also work in herding, fisheries, domestic services, construction, transport, quarries and in gold mines. In the urban areas, some street children are children who managed to escape from abusive domestic service situations according to the **United States Department of labor, 2007**.

Child labour as a phenomenon in Kenya, has received the attention of researchers, academicians and policy makers only recently despite the prevalence and the many dangers associated with it, and not until the International Labor Organization showed estimates of large and increasing number of working children worldwide. In order to combat child labour effectively, laws and policies should be formulated in an informed understanding of its causes, roles and implications.

## 1.2 Statement of the problem

The problem under research is the law relating to child labour and its effectiveness in curtailing child labour in Kenya. There are various legal instruments against child labour but the study deliberates to show how alive and effective they are in alleviating the problem of child labour.

Child labour is most evident in Kenya's urban centers, pastoral communities in North Eastern and parts of the Rift valley province, cascaded with lack of water and areas witnessing HIV/Aids prevalence.

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<sup>1</sup> 2010 Constitution of Kenya

<sup>2</sup> Ibid

<sup>3</sup> No. 8, 2001 (Kenya)



Millions of children in Kenya have lost their parents as a result of HIV/Aids phenomenon; hence such children become heads of households responsible for caring for their younger siblings or live on the streets where they are exposed to crime and drug abuse.

Insecurity in some parts of Kenya has led to large number of people being displaced for example, on 8th September 2012 Citizen Television anchored conflicts that emanated between the Pokomo and Borana in Tana River Delta where the most affected were children and women such conflicts have made children experience torture that affect their emotions and mental well-being.

Poverty has also fueled child labour in Kibera where most parents cannot cater for their families and as a result, children are sent to the streets to beg for money from people or hawk items such as vegetables, tomatoes and onions to get money for survival. The abject poverty characterized with disease, malnutrition and illiteracy are some of the harsh conditions that force the disadvantaged children to resort to child labour as a means of survival.

### **1.3 Objective of the study**

#### **1.3.1 General objective of the study**

The main objective of the study is to assess how effective the existing laws are in combating child labour.

#### **1.3.2 Specific objectives**

The specific objectives of the study are:

- i. To find out why child labour has persisted for so long.
- ii. To establish the different forms of child labor.
- iii. To establish the effects of child labor.
- iv. To create awareness to parents, government and policy makers that there is an increasing number of child labour that should be curtailed through education, counseling and seminars.
- v. To issue recommendations which are geared towards observance of the law and the policy relating to child labour.

## **1.4 Research questions**

- vi. Why are there many children involved in labour?
- vii. Are the laws against child labour effective?
- viii. What steps should be taken to combat child labour?
- ix. How does child labour affect the child?
- x. How effective are the laws relating to child labour?
- xi. What are the legal instruments relating to child labour?
- xii. What should be done to make the laws relating to child labour more effective?

## **1.5 Hypothesis**

The study will test the following hypothesis:

- The prevalence of child labour in Kenya is due to the inadequacy of legal enforcement mechanisms to address the problem.

## **1.6 Scope of the study**

The study is based in Kenya's Kibera slum area in Nairobi County where many children are involved in hazardous forms of child labour, like commercial sex, hard domestic work, children living and working in the street.

The study looks at how children in Kibera slums are found in garbage collection and disposal sites; they hawk items and work in Nairobi streets. The study will endeavor to look at the various regional and international instruments and policies relating to child labour and their effectiveness and what can be done to make them more effective.

## **1.7 Significance of the study**

The findings of the study will be important in the following ways.

### **1.7.1 To target evidence**

The study will provide information to the people of Kibera on how the occurrence and recurrent child labour can be reduced and how to make use of the concerned institutions such as FIDA, and the judiciary to curb this menace.

### **1.7.2 To the policy makers**

This study will help the government and relevant institutions like human rights watchdog to

come up with the appropriate policies that are addressed to the Ministry of Gender and Children Affairs and Ministry of Education to participate in the policy formulation, community mobilization and the extension of services to many parts of the country. This will benefit resource mobilization by Ministry of Planning and Finance to aid for the expansion of services to other parts of the country where child labour is deemed to be the order of the day.

### **1.7.3 To the community**

This research is geared towards sensitizing the community on what constitutes child labour, the implications and probable solutions to the child labour problem. It also urges the community to join hands with the government and Non Governmental Organizations in the fight against child labour.

### **1.7.4 To the researcher**

The study will help the researcher to enrich his knowledge with the information gathered from different consulted materials that are relevant and significant to the study. It will also assist the researcher to tabulate data and come up with possible solutions to avert child labour in the Kenya. Equally, if presented and approved by the concerned institution, the researcher will qualify for the award of bachelors' degree in law.

## **1.8 Methodology**

This chapter discusses methods that are used to obtain data from the field. It defines and describes the research methods used in data collection appropriateness and justification for each method and techniques to be used will be presented.

### **1.8.1 Research design**

Both qualitative and quantitative methods of data collection will be used. The study will be a cross-sectional survey, involving both male and female to give a detailed account of their views, feelings attitudes of the people of Kibera Area towards the impact of child labour.

### **1.8.2 Sample selection and data**

A total number of 70 participants as respondents will be used during this study. This would be done randomly and will majorly focus on the people who have been victims of child labour.

## **1.9 Methods of data collection**

### **1.9.1 Questionnaire**

This will be used to test the population and children who will be expected to be able to read, write and understand the questions put forward. The questionnaire will consist of both the ended and closed question which will be distributed to the locals, religious leaders and the community leaders. This method is time saving and effective in knowing people's reactions.

### **1.9.2 Interviews**

In this method, oral interview will be used to collect information about the child labour phenomenon and the interview will be open ended and administered to the district officials, NGOs and area officials. The purpose of this method is to give more information or data so that the respondents may yield qualitative data resulting from free expression.

### **1.9.3 Sources of data**

Mainly two sources of data collection will be used:

#### **a) Primary source**

This involves data collection through interviewing respondents and submission of questionnaires to be filled by the respondents who are literate.

#### **b) Secondary source**

Here, data will be collected from the previous reports on research problem. The major source here is the library, internets, text books and journals to analyze the problem.

### **1.9.4 Data analysis**

The data was analyzed and processed using both the qualitative and quantitative research designs. It will be descriptive and analytical in nature trying to explain the information obtained from the field. This will reflect on the actual facts and realities obtained during data collection process.

My study is descriptive, analytical and prescriptive. It is descriptive because it defines the current laws by examining such laws in relation to child labour. It is analytical because it examines the law and the policy relating to child labour and its effectiveness. It is prescriptive as it endeavors to give recommendations in making the law and the policy on child labour more effective.

The internet has also offered an arsenal of information from sites dealing with child labour. The Primary documents to be used are: The African Charter on the Rights of a Child, the International Labour Organization (ILO) Convention No 182, and the International Organization on Elimination of Child Labor Conventions and many others. Similarly, there are also domestic legislations relating to child labour like, the Constitution of Kenya 2010, the Employment Act of 2007, and the Children's Act of 2001.

**a) Questionnaire for the respondent child laborers**

You are kindly requested to answer to this questionnaire honestly, and any information given will be private and strictly confidential. It will be for the purpose of this research only.

1. Age? .....
2. Sex? .....
3. Position? .....
4. Residence? .....
5. When did you start working? .....
6. What forced you to work at such age? .....
7. What kind of work do you do? .....
8. What hardship do you face? .....
9. What in your opinion can be done to solve those hardships.....
10. How much are you paid? .....
11. How long would you like to work? .....

**b) Questionnaire for respondent child employers.**

You are requested kindly to fill this questionnaire honestly. Any information given will be private and confidential. It will only be for the purpose of this research.

1. Age? .....
2. Sex? .....
3. Occupation? .....
4. Residence? .....
5. How many child workers do you have? .....
6. Why do you hire children?.....

7. How much do you pay them? .....
8. What challenges do you face in employing children? .....
9. What in your opinion drives children to work? .....
10. What can be done to combat child labour? .....

Thank you so much and may the Almighty God bless you abundantly.

## 1.10 Definition of Terms

**1.10.1 Child.** **Article 45(2)**<sup>4</sup> defines a child to be a person below the age of eighteen years. **Article 1**<sup>5</sup> also defines a child as every human below the age of eighteen years. Equally **Section 2**<sup>6</sup> provides that a child to be any human being under the age of eighteen years.

**1.10.2 Labour.** Labour is work agreed upon by two or more parties where one the employer, employs the other (employee) for the benefit of both parties. In labour there is a contract written or oral and services rendered by the employee are paid according to the agreed terms. Child labour is a source of child abuse, exploitation and potential threat to the health, safety, moral and psychological development of children.

**1.10.3 Child labor.** **Section 10(5)**<sup>7</sup> defines the term “child labour” as any situation where a child provides labour in exchange for payment. Equally, child Labour means work that threatens the health, safety, physical growth and moral development of children. Child labour includes the use of dangerous tools, long hours of work, heavy workloads and tasks, exposure to toxic chemicals, cruelty and sexual abuse.

**1.10.4 Worst forms of child labour.** According to **Article 3(a)**<sup>8</sup>, the worst forms of child labour comprises of all forms of slavery or practices similar to slavery such as the sale and trafficking of children, debt bondages, serfdom and forced or compulsory labour.

**1.10.5 Child work.** According to the **ILO Convention No 138**, child work refers to activities done by children within their families such as washing, fetching firewood, cooking, farming and

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<sup>4</sup> 2010 Constitution of Kenya

<sup>5</sup> Convention on The Rights of the Child 1898

<sup>6</sup> Children’s Act of 2001

<sup>7</sup> ibid

<sup>8</sup> ILO No, 182

fetching water which is all done under close observation and supervision of the adult family members.

**1.10.6 Exploitation** shall include at a minimum, the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, servitude or removal of organs<sup>9</sup>.

**1.10.7 Commercial Sexual Exploitation.** This is defined as a form of coercion and violence against children (that) amounts to forced labour and a contemporary form of slavery.<sup>10</sup>

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<sup>9</sup> UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children (from Palermo protocol)

<sup>10</sup> The Stockholm Declaration adopted at the world congress against commercial sexual exploitation of children (1996)

## CHAPTER TWO

### LITERATURE REVIEW

#### INTRODUCTION

Child labour phenomenon has received the attention of researchers, academicians and policy makers only recently despite its existence for many years and numerous implications has been associated with child labour. International Labour Organization (I.L.O) estimates showed a large and increasing number of working children worldwide. In the literature review, the text books, magazines, novels and newspapers will be used to demonstrate what is already known about the child labour phenomenon and how the new research will attempt to address any gaps in the existing knowledge.

According to the **US Department of States Report on Human Rights Practices 2007**,<sup>11</sup> states that in Kenya, children primarily work in the informal sector. They work in subsistence and commercial agriculture, on tea, coffee, rice, and sugar plantations. Children also work in herding, fisheries, domestic services, construction, transport, quarries and in gold mines. In the urban areas, some of the street children are those who managed to escape from abusive domestic service situations.

Children are engaged in commercial sexual exploitation and are reported to engage in prostitution within bars, brothels, discos, massage parlors and on the streets. While majority of children exploited in prostitution are between 13 and 17 years, children as young as nine years are reported to be involved. Many girls who hawk or beg during the day reportedly engage in prostitution at night. In the agricultural sector, girls are sometimes forced to provide sexual services in order to obtain plantation work. Sudanese and Somali refugee children are also alleged to be involved in prostitution in Kenya. The growth of tourism industry has been accompanied by an increase in children's involvement in prostitution, majorly at the coastal towns of Malindi, Mombasa, Kilifi, and Diani.

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<sup>11</sup> U.S. Department of State, "Kenya" in the Country Reports on Human Rights Practices 2007, Washington, D.C. March 11, 2008



Due to this child labour phenomenon, it is expedient that stern measures, mechanisms and effective policies are in place in order to negate and curb child labour. Most statutes especially **Children's Act of 2001** provides that, in any matter concerning a child, the best interest of a child shall be of a paramount consideration. However this has not been reflected in our society as child labour is still widespread and evident in Kibera area. Children are still abused, their rights and interest violated.

According to **United Nations Children Emergency Funds 2008(UNICEF)** reported that in Sub Saharan Africa the HIV/Aids epidemic has deepened poverty levels and worsened myriad deprivation of essential items such as food, shelter and education. This has prompted children to look for employment opportunities hence child labour. As per **World Bank, World Development Indicators**, 42.2 percent of children between the ages of 10 to 15 years in Kenya were working. According to **Africa's Orphaned Generations 2003**, asserted that sub Saharan Africa already has a higher proportion of children working than any other region, 29% of children aged between 5 to 14 years are economically active. It was noted that, the dominating factor behind child labour is poverty, particularly in the rural areas where more than 90% of Kenya population lives.

According to **Comprehensive Strategy for new Millennium by the European Union**, today approximately 40 million people are infected with HIV. More than 24 million including almost 15 million children have already died since the beginning of the HIV/Aids menace leaving a legacy of more than 16 million orphans which leaves them as heads of families hence leading to child labour.

According to **Admassie,2002;Andvig et al.2001;Bass,2004;Bhalotra , 2003;Mande et al;2003**,the growing number of working children in sub-Saharan Africa has been linked to many factors including ,economic stagnation ,poverty ,war ,famine ,orphan hood and rapid spread of HIV/Aids.

It is reported that, sub Saharan Africa has a large number of working children and estimates approximately 37% of the children between the ages of 5-14 years who are actively involved in the labour market.<sup>12</sup>

The fight against child labour has now become part of the corporate social responsibility, yet the ways children are often treated are far from ethical. It is provided that, the welfare of the child worker must be the highest priority in any action on child labour. It is further provided that, firing of children without consultation and without offering them and their families an alternative source of livelihood is a fundamental breach of the United Nations Convention on the Rights of the Child 1989.<sup>13</sup>

Save the Children believes that business can and must play a key role in helping to end illegal and harmful child labour by working with partners on a planned approach:

- Helps child workers obtain a good quality, relevant education;
- Ensures that family incomes of the former child workers are safeguarded;
- Ensure fair pay, safe and secure working conditions for adult; and
- Contributes to the community development and education programmes.

The Declaration on Fundamental Principles and Rights that was passed at the 1998 International Labour Conference states that, 'all member states even if they have not ratified ILO Conventions, have an obligation arising from the very fact of membership in the organization to respect, promote and realize the fundamental rights which are the subject of these Conventions'.<sup>14</sup>

In order to curb the child labour menace, some countries have employed trade sanctions against countries where child labour is prevalent to eliminate the practice. Some governments have gone further to revoke the trade licenses of companies involved in child labour practice, with no avail.

**Clare Short** argues that, "Trade sanctions against countries where child labour is prevalent, would simply harm the poorest countries and force children into still worst forms of

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<sup>12</sup> UNICEF,2007

<sup>13</sup> Save the Children,2000,Big Business, Small Hands: Responsible Approach to Child Labour, page 11, paragraph 3

<sup>14</sup> Ibid page 21, paragraph 2.

employment. Sanctions do nothing at all to address the 95% of child laborers who work in the non-traded sector that is why the issue of child labour is best addressed directly. Through our development efforts we can and should create conditions that help children to move out of work and into schools, as well as increasing opportunities for their parents so that they are no longer so dependent on their children's income"<sup>15</sup>

It is estimated that 1.8 millions of children are introduced in commercial sex work. Many are forced into it where they are sold into sexual slavery by desperate poor families or even abducted and trafficked into brothels or other exploitative environments. Children exploited in the commercial sex industry are subjected to neglect, sexual violence, physical and psychological abuse.<sup>16</sup>

In South America, **Peter de Ruiter** states that, "employers prefer to pay lower wages to increase the profit margins and decrease the risk of going out of business. If adult employees were paid a higher salary, then parents would not be forced to make their children work to earn a few measly cents. Children are the most compliant workers available. They have no contracts, do not appear on the pay roll and can easily be fired when they are no longer required; they have no rights and cannot stand up for themselves. Children are gullible, easy to intimidate and dare refuse to do even the most terrible chores. Employers save money by using children for certain jobs for example, if you put them to work in a mine you can make narrower shafts and that saves money."<sup>17</sup>

**M.J.M Verhagin** observed that, "there are more than 200 million of children in the world who are made to carry out hard and dangerous work for a pittance or even for no wages at all." In his view, this is unacceptable. To end this injustice, Verhagen calls on everyone, the government, the private sector and consumers to take responsibility to seize every opportunity to eradicate child labour and give children a chance to a better future.<sup>18</sup>

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<sup>15</sup> Clare Short, Minister of States for Development, speaking that the World Trade Organisation talks in Seattle 29 November 1999.

<sup>16</sup> UNICEF, The State at the World's Children 2007 page 5.

<sup>17</sup> Peter de Ruiter, 2009, A World for Children-Growing up without child labour, page 100.

<sup>18</sup> M.J.M Verhagen, Dutch Minister of Foreign Affairs.

In 2007, the world wide population of children in unconditional worst forms of child labour was estimated at 8.4 million. this included child trafficking at 1.2 million; forced labour and bonded labour at 5.7 million; armed conflict as fighters at (0.3 million); prostitution and pornography at 1.8 million and illicit activities at (0.6 million).<sup>19</sup>

Child labour is most common in sectors and activities with low degree of mechanization. including much small holder agriculture. agricultural processing. and subcontracted manufacturing. Children work in the production of a vast range of goods, including textiles. shoes, glassware, jewellery, carpets and other crafts. In Bangladesh, Cambodia, Malaysia and Ghana, children are employed in rubber, palm and tea plantations. Their main activity is to tap rubber, picking palms, nuts and tea leaves.

Many children work in informal services, ranging from domestic service to acting as messengers. venders, porters, bottle collectors and working in shops. In United Kingdom, most children do work in shops, on farms, making deliveries and as babysitters. In 1990's, 70 children under the age of 16 years were killed in agricultural activities and many more were injured.<sup>20</sup>

In the urban areas, children do sell small items on the streets such as sweets, cigarettes, they also work in shops, beg for money on the streets and others are involved in commercial sex industry. they are employed in stone quarries, cattle herding and brick making.

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<sup>19</sup> Simpoc 2002

<sup>20</sup> B Leathwood, "Child workers on farms in the UK" In Landmark, Edition 33, January/ February 2000.

## CHAPTER THREE

### FINDINGS ON THE CHARACTERISTICS, FORMS, CAUSES AND THE EFFECTS OF CHILD LABOUR.

#### 3.0 Introduction

This chapter presents the characteristics of child labour and the worst forms of child labour in Kenya. Child labour refers to work which by its nature is detrimental to the health, safety, mental, morals, growth and the development of children. Child labour has been characterized by children working when too young, working for long hours and working under harmful and dangerous conditions to their health.

Despite the prevalence and the many dangers associated with child labour, the phenomenon has received the attention of researchers, academicians and the policy makers only recently and not until ILO estimates showed a large and increasing number of working children worldwide. It is now recognized that in order to combat child labour effectively, policy should be grounded in an informed understanding of the causes, roles and the implications of child labour. In 1995, there were 1,558,000 economically active children, 741,000 girls and 817,000 boys between the ages of 10-14 represents 41.27% of this age group.<sup>21</sup>

According to the 1998/99 CBS of the Ministry of finance and planning on the state on child labour survey, 1.3 million of the Kenyan children are engaged in work. According to the 1989 population census projection, in 1,999 of the 10.9 million children are aged between five and seventeen, 3.5 million were out of school and or working.<sup>22</sup>

As per the above data, child labour still remains prevalent in Kenya. It should be noted that although it is known that commercial exploitation of children occurs little available data exist that reflects the extent of the problem.

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<sup>21</sup> ILO International Labour Office-Bureau of Statistics Economically active population 1950-2010 Stat working paper ILO1997.

<sup>22</sup> CBS Report

### 3.1 Background

According to **Article 53(1) (d)**<sup>23</sup> it is provided that, every child has a right to be protected from abuse, neglect, harmful cultural practices. All forms of violence, inhuman treatment, punishment and hazardous or exploitative labour. Under **Section 10(1)**<sup>24</sup> it is provided that, every child shall be protected from economic exploitation, and any work that is likely to be hazardous or to interfere with the child's education or harmful to the child's health, mental, spiritual, moral and social development.

**Article 3 (1)**<sup>25</sup> provides *inter alia* that in all actions concerning children whether undertaken by public or private social welfare institutions, court of law, administrative authorities or legislative bodies, the best interest of a child shall be a primary consideration.

**Article 5**<sup>26</sup> also provides that, no one shall be subjected to torture or cruel inhuman or degrading treatment or punishment. This provision means that child labor is prohibited. Despite the aforementioned provisions, child labor still remains prevalent in Kibera hence this study endeavors to ensure that child labor is eliminated.

### 3.2 Characteristics of child labour.

Child labour is characterized by children working when too young, working for many hours. For instance children in Kibera, you find children after school in the night hours fetching water and firewood, conditions which are harmful to their health, physical growth and mental development and taking too much responsibilities when too young.

The study defines child labour based on the age of the child, nature of work and conditions in which work is carried out. **Article 45**<sup>27</sup> defines a child to be below the age of eighteen years and so work under that age jeopardizes the health, safety and the morals of the child.

**Article 3**<sup>28</sup> defines the worst form of child labour to include:

- All forms of slavery or practices similar to slavery such as, trafficking and sale of

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<sup>23</sup> 2010 Constitution of Kenya

<sup>24</sup> Children's Act 2001

<sup>25</sup> above n 6

<sup>26</sup> Universal Declaration on Human Rights of 1948

<sup>27</sup> 2010 Constitution of Kenya

<sup>28</sup> ILO of 1999 No.182

children, debt bondage and serfdom;

- Forced or compulsory labour, including recruitment and use of child in armed conflicts;
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- Use, procuring or offering a child for illicit activities example, smuggling of drugs;
- Work which exposes a child to physical, psychological or sexual abuse;
- work with dangerous equipments and machinery, tools and manual handling of heavy loads and
- Work under difficult conditions for example, long hours of work, working during night and work where the child is confined to the premises of the employer.

### **3.3 Incidences of child labour in Kenya**

In Kenya, children normally work in the informal sector. As per **US Department of State**<sup>29</sup>. Children work often with their families, in subsistence, commercial agriculture, tea, coffee, and sugar plantations. Children also work in herding, fisheries, domestic service, construction, transport, quarries, and mine, include gold mines. In urban areas, some of the street children are those who managed to escape from abusive domestic service situations.

Nonetheless, children are engaged in commercial sexual exploitation and are also reported to also engage in prostitution within bars, discos, brothels, massage parlours and on the streets. While majority of the children exploited in prostitution are between 13 to 17 years, children as young as nine years are also involved. In the agricultural sectors, girls are sometimes forced to provide sexual services in order to obtain plantation work. Sudanese and Somali refugee children are also alleged to be involved in prostitution in Kenya. Growth of tourism industry has been

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<sup>29</sup> USA Department of State" Kenya". in Country Reports on Human Rights Practices 2007

accompanied by an increase in children's involvement in prostitution majorly at the coastal towns of Malindi, Mombasa, Kilifi and Diani.

The Kenyan government reports that some of the worst forms of child labour in the country include domestic work (744,761 children were found to be employed in the sector);<sup>30</sup> commercial sex; involvement in military operation; smuggling of merchandise across borders; and street children.

Inspectors from the ministry of labour also found that many children were engaged in both the "worst forms of employment" and "hazardous" work characterized by harsh environments and lack of protective clothing in both the manufacturing and agricultural sectors. Children were being used as a source of cheap labour in all the sectors in which they were found. They are being made to carry heavy loads, especially in sisal estates, sand and salt harvesting, stone cutting and on horticultural farms, according to the report. "Although some of the findings cannot be easily quantified, the survey results shows that some children are working under risky and hazardous conditions working for long hours and are grossly underpaid"<sup>31</sup>

According to a survey carried out by the Central Bureau of statistics (CBS) of the ministry of finance and planning on the state of child labour, children were being used as a source of cheap labour in all sectors they were found. They were being made to carry heavy loads, especially in sisal estates, sand and salt harvesting, Stone crushing and horticultural farms. Further, according to the report of Kenya's estimated 10.9 million children aged between 5 and 17 in 1999 (based on 1989 population census projections), 3.5 million were out of school and / or working. Some of the 7.9 million in schools were also found to be working. Most of the children working were found to be employed in the domestic sector (744,761), while 926,541 others were engaged in various other sectors, but mainly agriculture. In the areas examined by the study children

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<sup>30</sup> Central Bureau of Statistic (CBS) report

<sup>31</sup> *ibid*



performed a variety of tasks including harvesting coffee (30%);<sup>32</sup> rice transplanting (90%)<sup>33</sup>, commercial fishing (about half of the 3 million Kenyan children)<sup>34</sup> and domestic servants (78%)<sup>35</sup>.

In addition, children in Kenya are trafficked from rural to urban centres for forced labour in domestic service, street vending and for commercial sexual exploitation. Kenya's Coast is the known destination for trafficked children to be exploited in sex tourism. Poverty and the death of one or both parents may contribute to a family's decision to place a child with better off relatives, friends or acquaintances who end up trafficking and/or exploiting the child. Orphaned children and street children are at increased risk of being trafficked.

### 3.4 Selected Statistics and indicators on child labour.

According to **ILO Committee of Experts**<sup>36</sup>. The following statistics are laid down.

Working children, 5-14 years (%), 2000:	32.5.
Working boys, 5-14 years (%) 2000:	34.7
Working girls, 5-14 years (%) 2000:	30.4
Working children by sector 5-14 years (%):	
-Agriculture	-
-Manufacturing	-
-Services	-
-Other	-
Minimum age for work:	16
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	108
Net primary enrollment rate (%), 2005:	76

<sup>32</sup> US Dept of labour sweat and toil of children efforts to eliminate child labour

<sup>33</sup> : ILO-IPEC, child Labour in commercial agriculture in Africa 27-30 august 1996.

<sup>34</sup> Philip Ngunjiri: 'Child labour on the rise.' "IPS. 6 December 1998

<sup>35</sup> UNICEF Innocent Digest on Child Domestic work May 1999 citing UNICEF state of the World's children 1997

<sup>36</sup> ILO Committee of Experts, Individual Observations, Minimum Age Convention 1973 No. 138

School attendance, children 5-14 years (%):2000:	74.9
Survival rate to grade 5(%), 2004:	83
ILO-IPEC participating country:	Yes

### 3.5 Forms of child labour in Kenya.

In Kenya, it is reported by different authors that the worst forms of child labour to include: domestic work, commercial sexual exploitation, child trafficking, street children, early marriages and manual labour.

#### 3.5.1 Domestic services

In Kenya especially in Kibera, most children are involved in domestic service. This has been aggravated by high poverty levels hence children especially girl child is normally involved in domestic services such as fetching water, digging, washing clothes and utensils, cooking and nursing the young ones. This form of work makes a girl child to be psychologically, emotionally and spiritually attached as she has no time to rest and go to school. In the country, domestic services is rampant in urban centers where disadvantaged children whose parents have died are being transported to urban centers by their relatives who place them in the hands of friends or acquaintances who end up exploiting them by engaging them in domestic work with little or no minimal pay.

Domestic work threatens the child health, education and development. The **ILO Minimum age Convention**<sup>37</sup> outlaws work that is likely to jeopardize the health, safety and morals of a young person. In Kenya, most of the children were found to be employed in the domestic sector (744,761)<sup>38</sup>. Children often work as domestic servants in private homes<sup>39</sup>. A study of the lower middle class residential area in Nairobi found that 20% of households employed children in

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<sup>37</sup> ILO Minimum Age Convention No 138

<sup>38</sup> CBS report

<sup>39</sup> US Dept of state country Reports on human Rights practices-2000, February 2001

1982, though by 1991 this had dropped to 12%<sup>40</sup>.

### **3.5.2 Commercial sexual exploitation**

Children are engaged in commercial sexual exploitation and are reported to engage in prostitution within bars, discos, brothels, massage parlors and on the streets. Where majority of children exploited in prostitution are between 13 and 17 years. Children as young as nine years are reported to be involved. Many girls, who hawk or buy during the day, are reportedly engaged in commercial sex at night.

In the agricultural sectors, girls are sometimes forced to provide sexual services in order to obtain plantation work. Sudanese and Somali refugee children are also engaged in commercial sex in Kenya. The growth of the tourism industry has been accompanied by an increased child involvement in prostitution majorly in the coastal towns of Malindi, Mombasa, Kilifi and Diani.

A study carried out in seven districts in Kenya in 1997 by the Child Welfare Society such as Nairobi and Malindi. According to the survey, some of the child victims were as young as 11 years of age and Mombasa and Malindi were found to have the highest number of underage children selling sex<sup>41</sup>.

### **3.5.3 Child trafficking**

This majorly occurs where children are trafficked from rural to urban areas for forced labour in domestic service, street vending and for commercial sexual exploitation. Kenya's coastal region is a known destination for trafficked children to be exploited in sex tourism. Most of the child trafficking in Kenya occurs mainly through personal and familial networks. Poverty and the death of one or both parents may contribute to family's decision to place a child with better off relatives, friends or acquaintances, who end up trafficking or exploiting the child. Orphaned and

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<sup>40</sup> UNICEF Innocent Digest on Child Domestic Work, May 1999, citing ILO Child Labour in Domestic Service unpublished, 1993.

<sup>41</sup> ECPAT, CSEC Database, [http://www.ecpat.net/eng/ecpat\\_inter-projects/monitoring\\_online/online-database/index.asp](http://www.ecpat.net/eng/ecpat_inter-projects/monitoring_online/online-database/index.asp)

street children are at a higher risk of being trafficked<sup>42</sup>. According to one NGO, trafficking of children for sexual purposes is common from the Northern part of the country to the cities<sup>43</sup>

### **3.5.4 Early marriages**

Early marriages are another form of child labour. It majorly occurs in the pastoralist communities where, once a girl has attained the age of 14 years, she is married under the condition of her parents. This is normally escalated by discrimination between a girl child and a boy child. The early marriage phenomenon makes a girl child to have children at relatively younger age and she has to care for her family by fetching water which involves long distances, cooking, washing clothes and utensils. At that age a girl is not completely mature to play a motherly responsibility. These are inhuman cultural practices that should be eliminated at whatever cost.

### **3.5.5 Agricultural plantations**

This is a form of child labour that has perpetuated child trafficking and exploitation. Globally, child labour is twice as high in rural areas as in urban areas. Children involved in commercial agriculture often begin working at the age of four. In Kenya, children often work with their families in subsistence and commercial agriculture on tea, coffee, rice and sugar plantation. Of the 7.9 million children found to be working, 926,541 were engaged in various other sectors but mainly agriculture<sup>44</sup>. Children normally constitute 20% to 30% of the casual labour force on all types of plantations<sup>45</sup>.

We find that, in the Kenyan coffee plantations during the peak harvest seasons, as many as 30% of the coffee pickers are below 15 years of age<sup>46</sup>. Children make up as much as 90% of the work force during the period of rice transplanting, an activity involving long rows of walking backward and bending to pick and replant rice<sup>47</sup>.

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<sup>42</sup> 34. ECPAT, CSEC Database. [http://www.Ecpat.net/eng/Ecpat Inter/projects/monitoring/online database/index. Asp](http://www.Ecpat.net/eng/Ecpat%20Inter/projects/monitoring/online%20database/index.Asp)

<sup>43</sup> 35. ECPAT, CSEC Database. [http://www.Ecpat.net/eng/ecpat Inter/projects/monitoring/online database/index. asp](http://www.Ecpat.net/eng/ecpat%20Inter/projects/monitoring/online%20database/index.asp)

<sup>44</sup> CBS report.

<sup>45</sup> ILO-IPEC, Child Labour in Commercial agriculture in Africa, 27-30 August 1996

<sup>46</sup> ibid

<sup>47</sup> US Dept of Labour, Sweat and Toil of children efforts to eliminate child labour, 1998.

### **3.5.6 Street Children**

The Child Welfare Society of Kenya estimated the number of Nairobi's street children at 45,000 in 1997, while the government estimates their growth at 10% per year<sup>48</sup>

Street children are involved in works including: begging, washing cars, scavenge, work in the commercial sex industry and sell small items on the streets of Nairobi. These children due to hardships are often involved in theft, drug trafficking, assault, trespassing and property damage as a means of survival.<sup>49</sup>

### **3.6 Causes of child labour in Kenya.**

Child labour still persist despite the laws and standards to eliminate its existence. The causes of child labour includes: poverty, Unemployment, limited access to education, orphan hood, lack of parental care, civil wars, famine among others. According to the 2007 UNICEF survey, approximately 37% of children 5 to 14 years are actively involved in the labour market. The proportion of children working has continued to rise in the region. Child labour participation rates are highest in East Africa followed by Central Africa and West Africa<sup>50</sup>.

#### **3.6.1 War**

The effect of war which brings economic setbacks has intensified child labour. Consequently, the crisis that bedeviled the December 2007 presidential election has had negative effects on children in Kenya especially in Kibera where most parents were killed as a result of tribal differences. The Kenyan education system, particularly in the Rift valley, Nyanza, Western, Coast and Central regions suffered from a widespread displacement of students and teachers and many schools were looted and burned. Many schools have been closed while others have been converted into Centers for internally displaced persons (IDPs). Children have been forced to flee and become refugees and IDPs with their families and some have been killed as a result of the

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<sup>48</sup> . EI, EI barometer on Human and Trade Union Rights in the Education sector, 1998.

<sup>49</sup> . Philip Ngunjiri, "child labour on the rise," PS, 6 December 1998.

<sup>50</sup> 52. Admass it, 2002:

violence.

### 3.6.2 High poverty levels

Poor children and their families may rely upon child labour in order to improve their chances of attaining basic necessities. According to the **UN Statistics of 2005**, more than one fourth of the world's people live in extreme poverty. The intensified poverty in parts of Africa, Asia and Latin America causes many children there to become child laborers which is not any different in Kibera where people live in abject poverty.

According to the **United Nations Children's Fund of 2008**, it is reported that, in sub Saharan Africa the HIV/Aids epidemic has deepened poverty levels and exacerbated myriad deprivation essentials items such as food, shelter and education. This has promoted children to look for employment opportunities hence child labour. As per **World Bank World Development Indicators** 42.2 percent of children between ages 10-15 in Kenya were working.

A report by the **Employers Effect in Eliminating Child Labor**, has noted that, the predominant factor behind child labour is poverty particularly in rural areas where 90% of the Kenyan population lives.

The Kenyan government estimates that the population living in poverty has raised from about 48.8% in 1990 to about 55.4% in 2001<sup>51</sup>. The **2004 Poverty Reduction Strategy Paper (PRSP)** estimates that between 1997 and 2001, a further 2.5 million people were living below the poverty line. Rural areas have higher levels of poverty and inadequate basic services like piped water, electricity, health facilities, roads and schools. As admitted by the government itself, "children represent a substantial part of the labour force in agriculture."

### 3.6.3 Access to compulsory free education is limited

In 2006, approximately 75 million children were not in school, limiting future opportunities for the children and their communities. According to 2009 report by the United Nations, it is

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<sup>51</sup>. Republic of Kenya 2004.

estimated that achieving universal education for the world's children it would cost \$10-30 billion-- about 0.7%-2.0% of the annual cost of global military spending. This large number of children who were unable to access the educational facilities may have been in sugar plantations, coffee and the tea sectors, quarries and in domestic work laboring to attain their daily needs.

### **3.6.4 Orphan hood**

This has been characterized by high HIV/Aids prevalence that has claimed millions of lives. The HIV/Aids epidemic has left children to result to child labour in order to attain essential items in life. Most of such children normally become the providers of their siblings hence carry the responsibility of their parents at a relatively young age. According to the **Africa Orphaned Generations 2003**, sub-Saharan Africa already has a higher proportion of children working than any other region, 29 percent of children aged 5-14 years are economically active hence child labor.

### **3.6.5 Existing laws or codes of conduct are often violated**

Even where laws or codes of conduct exist, they are normally violated. In many cases where the rule of law is not observed, many people abuse children's rights with impunity knowing that they will not be held accountable for abuses. This is mainly in cases of child labour where they are inspired to maximize profits. Industries abuse children's rights with impunity. For example, the manufacture and export of products often involves multiple layers of production and outsourcing, which make it difficult to monitor who is performing labour at each stage of the process. Extensive subcontracting can intentionally or unintentionally hide the use of child labour. If the existing laws and codes of conduct are followed to the latter, then there could have been no report or topic on child labour phenomenon but since the existence of such laws and codes are characterized with violation we are still yet to see more and more child labour all over the world.<sup>52</sup>

### **3.6.6 Lack of accountability and culture of silence.**

Many people who witness child labour in other homes do not feel the necessity that they are obliged to report such incidents to the relevant authorities hence the perpetrators feel comfortable

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<sup>52</sup> David Parker

to continue using and abusing the child. Members of a household may decide not to reveal ongoing abuse due to shame and fear of the effect of such revelation on the family. This kind of silence to report child labor is detrimental to the Wellbeing and development of child hence a child is left at the mercy of the abuser.

### **3.6.7 Laws and enforcement are often inadequate.**

Child labour laws around the world are often not enforced or include exceptions that allow for child labour to persist in certain sectors, such as agriculture or domestic work. Even in countries where strong child labour laws exist, labour departments and labour inspection offices are always under- funded and under staffed, or courts may fail to enforce the laws. National laws often include exemptions for example in Nepal minimum age of 14 years for most work... plantations and brick kilns are exempt. In Kenya there is a prohibition of children less than 16 years from industrial work... but excludes agricultural work hence child labor. Bangladesh specifies a minimum age for work... but sets no regulations on domestic work or agricultural work.<sup>53</sup> .

### **3.6.8 Repression of workers' Rights.**

Workers' abilities to organize unions affect the international protection of the labour standards including child labour. Attacks on workers abilities to organize make unions more difficult to improve labour standards and living standards in order to eliminate child labor. For example, in 2010, 5000 workers were fired and 2500 workers were arrested as a result of their union activity, according to the **International conference of Trade Unions**.

### **3.6.9 The global economy intensifies the effect of some factors.**

As multinational corporations expand across borders, countries often compete for jobs, investments and industry. This competition sometimes slows child labour reform by encouraging corporations and government to seek low labour costs by resisting international standards. Some U.S legislation has begun to include labour standards and child labour as a criteria for

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<sup>53</sup> ibid



preferential trade and federal contracts. However, International Free Trade Rules may prohibit consideration of child labour or workers' rights.

The effects of poverty in developing countries are often worsened by the large interest payment on development loans. The structural adjustments associated with these loans often require governments to cut education, health and other public programs, further harming children and increasing pressure on them to become laborers.

#### **3.6.10 Neglect and Abandonment**

Neglect arises in a situation where a person charged with the duty of taking care of a child or providing the basic needs fails to do so, thereby threatening the wellbeing or welfare of the child. When this occurs the child will result to child labour for his or her personal survival because of his or her needs for basic necessities such as food, Clothing and medical care. In Kenya, neglect is a crime under the Penal Code and the Children's Act. Abandonment on the other hand, occurs where a person charged with the duty of taking care of a child abandons all such parental responsibility thereby threatening the wellbeing of the child. In most communities, disabled children were seen as anathema and even were been killed. In the modern times, parents of such children abandon them especially in public hospitals.

### **3.7 Law and enforcement against child labour**

Despite the continued existence of child labour in Kenya, there are many legal and institutional instruments both of national and international nature which outlaws child labour as indicated below.

**The Employment Act<sup>54</sup>** defines a child as an individual who has not attained the age of 16 years. The provisions of the Act prohibit employment of children in any industrial undertaking including mines, quarries and other works for the extraction of any substance from under the surface of the earth, factories, and construction sites, transportation of passengers or goods, and open cast workings or sub-surface workings which are entered by means of a shaft. Industrial

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<sup>54</sup> Employment Act (Cap. 226)

labour by children under the age of 12 years is prohibited.<sup>55</sup>

Consequently, the **Employment (Children) Rules, of 1977**, outline procedures for employing children, specifying hours when a child may be employed with official permission of an authorized officer. The maximum penalty for breaking this provision is 4,000 Kenya shillings (US \$70). The rules apply to all instances of child labour, except in the case of children employed as apprentices or as indentured learners. Wages of apprentices and indentured learners and children under the age of 18 years are governed by the **Regulations of Wages and Conditions of Employment Act (Cap) 1951**.

The minimum age for hazardous work in Kenya is 18 years. The **Factories Act** <sup>56</sup> sets forth detailed health and safety standards that employers must follow. In 1990, the Factories Act was amended to include agricultural and other workers. As a result of amendments in 1990, Ministry of labour, health and safety inspectors may issue citation to employers for practices or activities that involve a risk of serious personal injuries an authority previously vested on magistrates. The number of factory inspections has increased significantly since 1992.

**Section 3(1)**<sup>57</sup>, allows the employment of children with the prior written permission of an authorized officer, and the only restriction is that, such employment should not cause the children to reside away from parents without their approval, the permission to work in a bar, hotel, restaurant needs the consent of the labour commissioner and that, such permit should be renewed annually

In addition, **Article 53(1) (d) of the Constitution**<sup>58</sup> provides *inter alia* that, a child has a right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment and hazardous or exploitative labour. Nevertheless, **Article 14**<sup>59</sup> provides that, state parties shall recognize the right of the child to the enjoyment of the highest attainable standard of health hence it prohibits factors that may affect the enjoyment of a child

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<sup>55</sup> Employment of women, young persons and children ordinance of 1948.

<sup>56</sup> Factories Act of 1951

<sup>57</sup> Employment(Children) Rules 1977

<sup>58</sup> 2010 Constitution of Kenya

<sup>59</sup> African Charter on the Rights of the Child 1987

and interfere with a child's health like child labour. Also **Article 32**<sup>60</sup> states that children have the right to be protected from economic exploitation and from performing any work that is likely to be hazardous to or interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

**Article 3(1)**<sup>61</sup> provides *inter alia* that the best interest of a child shall be a primary consideration in all matters concerning children hence where the prevalence of child labour is experienced; the principle of best interest of a child is grossly violated.

Under **Section 13(1)**<sup>62</sup> it is stated that, a child shall be protected from physical and psychological abuse, neglect and trafficking by any person hence the protection against child labour.

**Section 14**<sup>63</sup> is to the effect that no female child shall be subjected to early marriage and other cultural rites, custom or traditional practices that are injuries to a child's health and social welfare.

Equally **Section 15**<sup>64</sup> protects children from sexual exploitation and use in prostitution, inducement or coercion to engage in any sexual activity and exposure.

In October 2007 president Kibaki issued five new laws that reform the labour code including the Employment Act of 2007. The **Employment Act**<sup>65</sup> defines worst form of child labour as: slavery, child prostitution, illicit activities or work likely to injure the health of a juvenile aged between 16-18 years. "The Act also prohibits children from engaging in night work between 6.30p.m and 6.30am. It stipulates that, children between 13 and 16 years can only engage in light work which is not harmful to their health, development or education unless their work is part of a vocational training program. The new law also provides for five and up to 1 year imprisonment for employers caught employing a child in any of the activities prohibited by the Act, these fine increases in cases where children are injured or killed while performing one of the prohibited

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<sup>60</sup> Convention on the Rights of the Child 1898

<sup>61</sup> *ibid*

<sup>62</sup> Children's Act

<sup>63</sup> above n 52

<sup>64</sup> *ibid*

<sup>65</sup> Employment Act 2007

activities, with the law stipulating that a portion of the fines are to be used to benefit the child and or their immediate family.

**The Employment Act**<sup>66</sup> also provides for fines and up to one year imprisonment for employers caught employing a child in any of the activities prohibited by the act. The act also criminalizes the trafficking of children for sexual exploitation including pornography, prostitution and sex tourism. For child trafficking, the minimum penalty is ten years imprisonment and for trafficking involving sexual exploitation the minimum penalty is 15 years imprisonment.

**The penal Code Act Cap 21 prohibits** rape, defilement, the procurement of girls who are less than 21 years for the purposes of unlawful sexual relations, commercial sexual exploitation of children and the transportation of children for sexual exploitation

Including: prostitution, pornography and sex tourism. The law also criminalizes the trafficking of children for sexual exploitation, including prostitution, pornography and sex tourism. For child trafficking, the minimum penalty is 10 years of imprisonment plus a fine, and for trafficking involving sexual exploitation, the minimum penalty is 15 years of imprisonment, a fine or both. The law also prohibits children less than 18 years from being recruited into the military and holds the government responsible for protecting, rehabilitating and reintegrating children involved in armed conflict into the society.

**The ILO Minimum Age Convention**<sup>67</sup>, States that, ratifying members shall rise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Under **Article 2** of the Convention, the minimum age specified shall not be less than the age of completion of compulsory schooling and in any case shall not be less than 15 years.

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<sup>66</sup> ibid

<sup>67</sup> above n 27

**Article 3 (1)** provides that, the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young person's shall not be less than 18 years.

### **3.8 Impact of child labour**

Child labour affects children mentally, psychologically, emotionally, and their physical growth and development. Child labour is a great blow to the children, community in the world at large.

#### **3.8.1 Physical harm**

Most children subjected to child labour suffer physical harm such as abrasions, fractures, bruises, burns, choke marks, cuts and other permanent physical disabilities such as loss of sight, limbs *inter alia*.

#### **3.8.2 Health hazards**

Children under child labour where employment conditions are not conducive are exposed to health complications such as malnutrition and stunted growth. They also experience constant fatigue and restless.

Children working in commercial agriculture are exposed to long daily and weekly hours of physically strenuous work, injuries caused by tools, repeatedly shouldering heavy loads, to the hazards of insects and snakes bites, and to hazards linked to handling of agrochemicals of their general use which leaves large concentrations of residues in the air, in the soil and on plant leaves.

Children working in the processing factories located on or near the farms are exposed to all of the hazards of the working environment (machines), toxic substances, dust, noises, ventilation like other workers.

#### **3.8.3 Substance abuse**

This is a major problem especially for children working and living on the street. They are influenced into drug abuse particularly in the evening when it is cold. They smoke bhang and

cigarettes, sniff gum and drink alcohol in order to feel high and forget their sufferings. Such children also have deviant behavior for instance, when they have no money to acquire drugs, they resort to crime and are often trouble makers on the street.

According to **Turlings Y, (2003) UNICEF Report on child labour** states that, child labour goes along with drugs abuse, alcohol and smoking due to hardships either in prostitution or domestic work and street lives children abuse drugs. Example, sniffing of glue in order to feel high.

#### **3.8.4 Emotional effects**

Exposure of children to child labour or abuse carries emotional consequences for children. They become depressed and have negative self concept. Research has indicated that, both witnessing and or being a victim of child labour may be at risk for increased anxiety and depressive symptoms. Child labour can be interpreted by a child to mean not only that the world is unsafe, but also that the child is unworthy of being kept safe. This undermines a child social development.

#### **3.8.5. Sexual Exploitation**

Studies show that most of the children trafficked are sexually exploited by the client consumers by been raped, beaten and assault and many contract HIV/Aids. Other studies confirmed that girls employed as domestic servants that is housemaids, some were HIV positive and also were sexually abused by their employers.

#### **3.8.6 Lack of Education**

Child labour leads to lack of education as children spend most of their time working. This damages prosperity in life which depends on intellectual competence.<sup>68</sup>

Studies indicate that a large number of children are also attending school in some cases working both early in the morning before school hours and again after school and their long working hours leave them exhausted to the detriment of their studies.

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<sup>68</sup> ILO (2006) see [www.ilo.org](http://www.ilo.org).

In Kenya, it is estimated that there are more than 3 million children between the ages of 6 and 14 years who either have no schooling at all or have dropped out of school. Most of them are engaged to some extent in work of one kind or another mainly in commercial agriculture.

### **3.8.7 Early Marriage**

Early child marriage is a violation of human rights representing the most prevalent form of child sexual abuse and exploitation. Its consequences include separation from family at an early age, denial of freedom to interact with others and participate in community activities, and it can jeopardize the opportunity for education and even bearing children at an early age. For example, young girls from Northern part of Kenya are trafficked to the cities and some to Saudi Arabia under the guise of employment opportunities, where they live as sex slaves. UNICEF notes that child marriage may result in bonded labour or enslaved.

### **3.8.8 Early pregnancies**

Teenagers end up been pregnant due to the little or no knowledge of family planning and many end up with unwanted children and some ends up procuring abortions, which in many times leads to death due to over bleeding, infection of other diseases and even infertility<sup>69</sup>.

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<sup>69</sup> MRC Macro, 2004.

## **CHAPTER FOUR**

### **INITIATIVES AND MECHANISMS TO COMBAT CHILD LABOR IN KENYA**

#### **4.0 INTRODUCTION**

In Kenya, child labour has persisted despite various measures being taken to avert it. It is a fact that stares in our faces and ignoring it only worsens its existence. As already seen, children in Kenya are working in the informal sector like in tea, coffee, rice and sugar plantations. They also work in fisheries, herding, domestic service, construction, transport, quarries and in gold mines found in Makalda in Migori County.

The root cause of this catastrophe is poverty which is predominant in our society especially in sub Saharan Africa. Children in poor families, result to child labour in order to obtain necessary items that they need. However, due to this menace of child labour, various initiatives has been formulated and put in place in order to combat it existence and persistence.

#### **4.1 Legal instruments**

There are national, regional and international legal instruments and programmes which have been put in place prohibiting the existence and practice of child labour.

##### **4.1.1 National legislations**

These are laws which have been enacted by the national legislature and also involve the domestication of the some of the international instruments.

##### **4.1.1.1 The constitution of the Republic of Kenya 2010**

Under **Article 53(1) (d)** protects children from social or economic exploitation. It *inter alia* emphasizes that every child has the right to be protected from abuse, neglect, harmful, cultural practices, all forms of violence, inhuman treatment and punishment and hazardous or exploitative labour.



**Article 30 (2)** is to the effect that, no person shall be required to perform forced labour. This means that, even children are included in this provision and they are adequately protected from child labour imposed on them.

#### **4.1.1.2 Employment Act 2007**

**The Employment Act** prohibits children from engaging in night work between 6.30pm-6.30am and stipulates that, children between 13 and 16 years can only engage in light work which is not harmful to their health, development or education. The Act also provides for fines and up to one year imprisonment for employers caught in any activities prohibited by the Act.

The Act also criminalizes the trafficking of children for sexual exploitation including pornography, prostitution and sex tourism. For child trafficking, the minimum penalty is ten years imprisonment and for trafficking involving sexual exploitation, the minimum penalty is 15 years imprisonment.

The Act protects all children under the age of 16 years from employment in industrial undertaking except for internship or training. Further the Act outlines children's Employment Rules which provide for protection of children at work.

**Section 25(1)** of the Act thereof states that, no persons shall employ a child whether gainfully or otherwise, in an industrial undertaking.

#### **4.1.1.3 Children's Act 2001**

**Children's Act** also has provisions that protect children from physical and psychological abuse, neglect and trafficking by any person.

**Section 14** further prohibits a female child from early marriage and other cultural rights, customs and traditional practices that are injuries to their life and health.

Under **Section 13(1)** it is stated that, a child shall be protected from physical and psychological abuse, neglect and trafficking by any person hence a protection against child labour.

Equally **Section 15** protects children from sexual exploitation and use in prostitution, inducement or coercion to engage in any sexual activity and exposure.

The Act establishes the rights of children which are classified into two groups: that is, welfare rights and protection right. These rights include: right to live with parents, right to life, right to education, right to religious education, protection from harmful cultural rites, protection from drugs, torture and deprivation of liberty, right to privacy. It also protects children from child labour and armed conflict.

#### **4.1.1.4 Employment (Children) Rules 1997**

**The Employment (children) Rules** outlines procedures for employed children specifying hours when a child may be employed with the official permission of an authorized officer. The maximum penalty for breaking this law is 4,000 Shillings which is equivalent to 70 USD.

Under **section 3(1)**, it allows the employment of children with the prior written permission of an authorized officer. The only restriction is that, such employment should not cause the children to reside away from parents without their approval, that permission for work in a bar, hotel, restaurant and other similar areas needs the consent of the labour commissioner and such permit should be renewed annually.

#### **4.1.1.5 Penal Code Act Cap 63**

**The penal Code Act** prohibits rape, defilement, the procurement of girls less than 21 years for the purposes of unlawful sexual relations: commercial sexual exploitation of children and the transportation of children for sexual exploitation including prostitution, pornography and sex tourism. The law also criminalizes the trafficking of children for sexual exploitation, including prostitution, pornography and sex tourism. For the offence of child trafficking, the minimum

penalty is 10 years of imprisonment plus a fine, and for trafficking involving sexual exploitation, the minimum penalty is 15 years of imprisonment, a fine or both. The law also prohibits children under the age of 18 years from being recruited into the military and holds the government responsible for protecting, rehabilitating and reintegrating children involved in armed conflict into the society.

**Sections 149 and 150** prohibit individuals from soliciting females for prostitution. Violation of this code is punishable by up to seven years imprisonment. Owning or occupying a premise where a girl under the of age 18 years is sexually exploited is a felony and offenders are subject to five years imprisonment.

#### **4.1.1.6 Sexual offences Act 2006.**

The Act makes provisions for Sexual offences, their definition, prevention and the protection of all persons from harm arising from unlawful sexual acts.

It created “new offences” which was not captured under the Penal Code. The “new offences” created include: gang rape, sexual exploitation and sexual harassment, liberate transmission of HIV or life threatening STDS, Sexual offences relating to persons in positions of authority and persons in position of trust for others.

#### **4.1.2 International instruments**

These are international legislations in which Kenya has ratified and is a member and such instruments are binding.

##### **4.1.2.1 The African Charter on the Rights of the Child 1987**

**African Charter on the Rights of the Child** provides that, state parties shall recognize the right of a child to the highest attainable standards of health. These shows that a child's right is adequately protected from any form of violation.

**Article 11** is to the effect that, measures should be taken by state parties to combat the illicit transfer and non return of children abroad.

Consequently, **Article 19 (1)** of the **Convention on the rights of a child** provides *inter alia* that, all appropriate legislative , administrative , social and educational measures, shall be taken by state parties to protect the child from any form of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation including sexual abuse.

Further **Article 3(1)** provides *inter alia* that the best interest of a child shall be a primary consideration in all matters concerning children hence where the prevalence of child labour is experienced the principle of best interest of a child is grossly violated.

Under **Section 13(1)** it is stated that, a child shall be protected from physical and psychological abuse, neglect and trafficking by any person hence a protection against child labour.

Nevertheless, **Article 14** provides that, state parties shall recognize the right of the child to the enjoyment of the highest attainable standard of health hence it prohibits factors that may affect the enjoyment of child and interfere with a child's health like child labor.

Also **Article 32** states that, children have the right to be protected from economic exploitation and from performing any work that is likely to be hazardous to or interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

#### **4.1.2.2 ILO Minimum Age Convention, 1973(No. 138)**

Kenya ratified the ILO convention on the Minimum Age for Admission to Employment in April 9, 1979. This convention binds ratifying countries to pursue a national policy for the abolition of child labour and to progressively rise the minimum age for employment or work to a level consistent with the fullest physical and mental development of young persons. The government of Kenya has declared the minimum age for admission to employment to be set at the age of 16 years.

**The ILO Minimum Age Convention** States that, ratifying members shall raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Under **Article 2** of this Convention, the minimum age specified shall not be less than the age of completion of compulsory schooling and in any case shall not be less than 15 years.

**Article 3 (1)** further provides that the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young person's shall not be less than 18 years.

#### **4.1. 2.3 ILO convention 182 Worst forms of child labour (1999)**

The Government of Kenya ratified this Convention on May 7, 2001. This Convention calls on government to identify and quantify the incidence of such child labour, backed by national plans for its elimination. The Convention defines worst forms of child labour comprising of all forms of slavery such as trafficking of children, debt bondage, child prostitution, and serfdom, forced or compulsory labour including forced or compulsory recruitment of children for use in armed conflict.

#### **4.1.2.4. African Charter on Human and People's Rights**

It was adopted by the eighteenth Assembly of Heads of States and Governments, in June 1981- Nairobi, Kenya. This article provides the right to work. **Article 15** states that, 'every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work' which may be understood to prohibit forced or compulsory labour, although it has not been mentioned.

#### **4.1.2.5. Universal Declaration of Human Rights of 1948.**

The Declaration was adopted on December 10, 1948 by the General Assembly of the United Nations and called upon all member countries to publicize the text and to cause it to be disseminated, displayed, read and expounded principally in schools and other institutions.

**Article 4** provides that, no one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms.

#### **4.2 Policies and Programs to Eliminate Child Labour.**

According to International Labour Organization report insist that *"the campaign for Universal Ratification of Convention No 182 has given the general fight against child labour a new urgency and scope, by focusing world attention on its forms"*

##### **4.2.1 The Government of Kenya's National Development Plan for 2002-2008**

Recognizes child labour as a problem and calls for an evaluation of the impact of child labour on the individual and the country, as well as its implications for the quality of the future labour force. The Ministry of Education indicated in its Gender and Policy that, it would improve programs to prevent child labour and facilitate child workers' return to school as a means of increasing children's participation and gender equity in primary education.

##### **4.2.2 The Government provides monthly cash transfers to orphans and very poor**

**Parents**, whose children engage in agricultural work on plantations and in other sectors as a means of compensating families for their children's labour and on condition that, children must be attending schools in order to be given the financial incentives. In December 2007, the Ministry of Home Affairs and the Communications Commission of Kenya with NGO's support launched a hotline that children and adults can use to report cases of child labour and trafficking.

UNICEF is working in Kenya to help formulate policy on issues affecting children, monitoring and evaluating public sector and civil society child labour efforts. Since 1999, UNICEF and the

Government of Kenya have implemented a project for children in need of special protection, focusing on street children.

With international donor support, the government of Kenya has amended the structure of the Ministry of Labour and the guidelines for inspection in order to increase the capacity to monitor and combat child labour. Since 1992, ILO-IPEC Kenya has trained 104 labour inspectors and 65 occupational health and safety officers. Increased inspections have resulted in identification of 8,074 child workers in the commercial services, agriculture, building construction and forestry sectors. The Occupational Health and Safety Officers have identified 4,294 children working in hazardous conditions and 2,123 children have been removed from hazardous work.

#### **4.2.3 USD 5 million Time bound Project on the Elimination of Child Labour.**

Consequently, the government of Kenya continues to participate in a four year USD 5 million Time bound project on the Elimination of child labour founded by USDOL implemented by the ILO -IPEC. The project aims to withdraw 15,000 and prevent 7,000 children from exploitative labour in domestic service, commercial sexual exploitation, fishing, herding and informal-sector, street work. In June 2007, the first lady of Kenya Lucy Kibaki participated in ILO-IPEC activities that marked the World Day against Child Labour and delivered an address on the problem which was broadcasted over both national television and radio outlets.

Civil society groups are also undertaking policy advocacy efforts. The Central Organization of Trade Unions (COTU), the umbrella organization for Kenya labour unions has been active in addressing child labour in the country. ILO-IPEC has supported a series of surveys conducted by COTU, to identify the extent of child labour by sector in the Kenyan economy, and the development of a child labour unit within COTU.

#### **4.2.4 American Center for International Labor Solidarity**

In April 1999, the American Center for International Labor Solidarity and COTU began a child labour project, the pilot Program to assist in the Elimination of the Worst Forms of Child Labour

## **CHAPTER FIVE**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 CONCLUSIONS**

Child labour menace still exists in our society despite the good laws and relevant institutions and mechanisms which have been put in place such as; children's court, ministry of labour, and ministry of Home Affairs among others as seen above.

The research concludes through the findings that, children are involved in the various forms of child labour. That is: working in commercial farms and agricultural sectors by weeding, harvesting of crops and even spraying chemicals on crops similar jobs carried out by adults; domestic work to include washing clothes and utensils, fetching water, cooking and nursing the young ones; commercial sexual exploitation, child trafficking and even early marriages. This shows that children's right to education and healthy growth and development and right to dignity and freedom from exploitation have been violated.

According to the findings, child labour phenomenon have been contributed largely by poverty which is a social problem and other factors includes: HIV/Aids pandemic which have left many children orphaned who consequently work in order to cater for their siblings and basic needs or who end up in the hands of cruel relatives; also the existence of inadequate laws and enforcement mechanisms on matters concerning child labour ; social-economic hardships is another factor forcing children to work in order to pay school fees and other needs; also early marriages due to the cultural rites of the different communities; child labour have been contributed by the culture of silence by the community on matters on child labour commonly conducted by parents, relatives and employers and finally neglect and abandonment of children leading to the increase in the number of street children.

The research concluded that, child labour have greatly and negatively affected children physical, mental and psychological growth and development by interfering with their education leading to many school dropouts, lack of concentration, retarded growth due to overwork, exposure to harmful and hazardous chemicals due to working in farms and plantations. Other effects include:



low-esteem and confidence, early pregnancies and even contraction of HIV/Aids or STDS infections as a result of child prostitution, increase in the number of street children who are exposed to street violence which endangers their lives and others end up involving in drug abuse or commit suicide due to the feeling of been unwanted in the society and to avoid social-economic hardships they face in life.

It is clear from the study that, the government of Kenya has made a great effort to safeguard children from any form of abuse, through the different legislations and policies but this need to be well implemented in order to yield good fruits in combating child labour.

## **5.2 RECOMMENDATIONS**

Child labour is a phenomenon and it been a national catastrophe which requires attention. Child labour is harmful to the welfare of children involved in domestic, commercial and agricultural sectors as they are exposed to long hours of work, extreme weather conditions, heavy workloads, exposure to chemical and other physical and psycho-social hazards. The study attempted to understand how the different laws governing child labour and how laws have been implemented to safeguard child's welfare. The policy implementation and a program of action are required to address the child labour menace. In Kenya, child labour remains a desperate and urgent matter. It is estimated that 3.5 million children aged between 6 and 14 years are child laborer's working in the various activities<sup>70</sup>

Elimination of child labour requires laws and policies responding to children who are at risk of been involved in child labour; children who have already been involved in child labour due to exposure to child labour and finally those who are in the worst forms of child labour requiring immediate intervention.

### **5.2 1 Policy framework**

A comprehensive national policy concerning child labour must be formulated and must include commercial and agriculture sectors by;

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<sup>70</sup> IUF/ITGA/BATS Child labour in the tobacco growing sector in African line Eldring, Sabata Nakanyane, Malehoko Tshoaedi Nairobi 8-9 October 2000

forced to work in order to compensate for accommodation with their parents.

### **5.2.3. Enforcement and monitoring mechanisms**

The Ministry of labour together with the Ministry of Special Programmes and Ministry of Sports and Gender should monitor and coordinate programmes which concern child labour. This should be done by labour inspectors who are well trained to deal with matters of child labour and accorded appropriate machinery in order to conduct their work effectively. Also adequate penalties should be put in place for inspectors who fail to conduct their work responsibly for instance those who receive bribe from employers in order to cover for them for their mischief.

### **5.2.4 Collective Bargaining**

Legislations should ensure that children laborers to be accorded the right to freedom of association by joining workers organizations just like adult workers, which will enable collective bargaining between employers unions and workers unions on behalf of children.

### **5.2.5 Education and Training**

As the Constitution provides, free primary education is compulsory for all children in Kenya. They should put in place enforcement mechanisms to ensure all children attend school. This can be achieved by sensitizing parents and children the need for education. employ inspectors and other stakeholders to conduct and survey children found at home or working instead of been in school. To achieve this:

- Schools should be provided within reasonable distance from homes to enable children to attend and avoid long distances which discourages them due to tiredness and hot or cold weather;
- The government should allocate the Ministry of Education with adequate funds to facilitate learning through the purchase of learning materials, food and water and building of enough classes for the children in order to avoid congestion in classes. Also the

government should employ enough teachers and pay them good salaries to cater for the large number of students in school.

- The government should provide basic skill development and vocational training to children by introducing subjects like; music, Art & Craft, home science and computer programs this will encourage children attendance especially those good in practical subjects and upon leaving school they can get employment in the informal sector or be self employment.
- Plantation owners and commercial farms should be encouraged to build or even contribute to the construction and support of schools in their areas in order to encourage child education.

#### **4.2.6 Community mobilization and Rising awareness**

Awareness and mobilization programs should be developed and facilitated to educate parents, teachers, political and religious leaders and the different government departments on the plight of child labour, what constitutes child labour and the effects of child labour and the importance of education not only to children but also to the community at large. This campaign should be conducted by the different government departments, NGO's and other stakeholders and to be conducted nationally.

#### **5.2.7 Poverty reduction**

Strategies should be put in place and be pursued vigorously by both government and civil society in order to empower families so that they abandon the use of child labour. Poverty was found to be one of the underlying causes of child labour. Dealing with this root cause of child labour will help in eradicating child labour in its entirety. These poverty reduction schemes can include food security, alternative income generation, compensatory strategies and educational training for parents.

In addition, there is grave need to sensitise the public on dangers and implications of child labour in Kenya and various policy makers and law enforcement agencies like the

Police should be put to task to facilitate arrest, indictment and penalizing of the violators of the rights of children in Kenya. The government should also put in place working programs that are awake to poverty eradication that has been as a benefactor to the child labour menace in Kenya. Areas experiencing abject poverty should have the highest revenue allocation and job creation opportunities so that families that are not able to provide for their children can do so by getting employed. Hence controlling child labour phenomenon that is evident in Kenya.

Consequently, there is desirable need to provide free and adequate antiretroviral medicines to areas where HIV/Aids is greatly manifested in order to control death rates of parents in those areas. This will also control orphan hood that orchestrates child labour phenomenon.

There is need for partnerships between governments, employers' and workers' organizations with other civil society organizations, and with the support of the international community, to ensure that real progress is in place in getting children out of work that is damaging them and into school, in supporting them and their families to develop better, more secure livelihoods and in preventing other children from being drawn into child labour.

Accordingly, Kenya's Ministry of Education needs to address gender discrepancies in the Country's educational system. The Government of Kenya needs to create a Gender Unit within the Ministry of Education this Unit should work with the NGOs and Community leaders to promote girls' education. In addition the Ministry of Education should work with the United Nations Children's Fund (UNICEF) on Girl Child Program, which aims to close the gender parity in education and early marriages. The government should establish and strengthen the community based rehabilitation centers for children in every county. Orphan centers should also be increased to cater for the orphans.

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